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GOVERNMENT OF INDIA

MINISTRY OF LAW

(REFORMS)

NOTIFICATION

New Delhi, the 19th December 1947

No. G.G.O 32.—The following Order made by the Governors-General of India and Pakistan is published for general information :

THE INDIAN INDEPENDENCE (SPECIAL TRIBUNALS) ORDER, 1947

WHEREAS in the exercise of the powers conferred by section 9 of the Indian Independence Act, 1947, the Governor-General was pleased on the 12th August, 1947, to make the Indian Independence (Legal Proceedings) Order, 1947 (hereinafter referred to as "the principal Order") providing *inter alia* for the continued exercise of jurisdiction by certain Special Tribunals and for matters connected therewith;

AND WHEREAS sub-section (5) of section 19 of the said Act provides that any power conferred by that Act to make any Order includes power to revoke or vary any order previously made in the exercise of that power :

AND WHEREAS it is expedient to vary the provisions of the principal Order in the manner hereinafter appearing :

Now, THEREFORE, in the exercise of the powers conferred on them as aforesaid and of all other powers enabling them in that behalf, the Governors-General of India and Pakistan,

acting jointly, are pleased to make the following Order:—

1. (1) This Order may be cited as the Indian Independence (Special Tribunals) Order, 1947.

(2) It shall come into force at once.

2. The Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. (1) The First, Second and Third Special Tribunals, Lahore, shall, after the commencement of this Order, be known as the West Punjab Special Tribunal, the Bombay Special Tribunal and the East Punjab Special Tribunal, respectively, and are referred to by those names in the subsequent provisions of this Order.

(2) The normal places of sitting of the said Tribunals shall be Lahore, Bombay and Simla respectively:

Provided that the Provincial Government in whose jurisdiction the case arises may direct that the Tribunal shall sit at a place other than its normal place of sitting;

Provided further that any of the said Tribunals may, if it is satisfied that it will tend to the general convenience of parties or witnesses in any particular case, sit for the trial of that case in a place other than the place specified for it by or under this paragraph

4. As from the date of the commencement of this Order and by virtue thereof,—

(1) the case of *Crown v. Sohan Lal Bhavana, Shanta Nand, and Ram Lal Sharma*, pending before the West Punjab Special Tribunal, and the case of *Crown v. Madanlal Dalmiya, Lakshmi Chand Jain, Rang Lal Kishan Saxena, Ranchor Das Bagri, Ganga Das Mohta, Ram Gopal Daga, and Balabh Das*, pending before the Bombay Special Tribunal, shall stand transferred to the East Punjab Special Tribunal; and

(2) the case of *Crown v. R B L. Padam Chand Taela* and another, pending before the Bombay Special Tribunal, shall stand transferred to the West Punjab Special Tribunal.

5. The East Punjab Special Tribunal and the West Punjab Special Tribunal—

(a) shall have, in respect of the cases transferred to them by virtue of this Order, all the jurisdiction and powers which

they have by virtue of the provisions of Article 3 of the principal Order in respect of the cases pending before them immediately before the commencement of this Order and not transferred to another Tribunal;

(b) shall not, by reason of the said transfer, be bound to re-call and re-hear any witness who has given evidence in the case before the transfer, and may act on the evidence already recorded by, or produced before, the Tribunal which was originally trying the case.

6. Any appeal from, or application for revision of, any order or sentence of a Tribunal in a case transferred to it by virtue of this Order shall lie to the East Punjab High Court or the High Court in Lahore according as the order or sentence was made or passed by the East Punjab Special Tribunal or the West Punjab Special Tribunal.

7. The provisions of Article 3 of the principal Order shall remain in force subject to the provisions of this Order.

MOUNTBATTEN OF BURMA, M. A. JINNAH,
Governor-General of India. Governor-General of Pakistan.

K. V. K. SUNDARAM,
Officer on Special Duty.

